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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,691	12/02/2003	Shoichi Ibaraki	00862.023345.	1987
5514 7590 06/25/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
SUTHAR, RISHI S				
ART UNIT		PAPER NUMBER		
2862				
MAIL DATE		DELIVERY MODE		
06/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/724,691

Applicant(s)

IBARAKI ET AL.

Examiner

Rishi S. Suthar

Art Unit

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9, 19 and 20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-7, 9 and 19 is/are allowed.
6) ☒ Claim(s) 20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20080307
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01 May 2008 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Griencewic (US 5,801,919).

4. Griencewic discloses primarily in Figs. 1-5 a pan head apparatus comprising: a head unit (60) for mounting a camera (62); a base unit (48, 82, 84) having a stationary portion (48) and a rotary portion (82, 84) which is placed over the stationary portion (see Fig. 4) rotated (along axis "A") with respect to the stationary portion around a first axis ("A"); and, a connecting member (at pivot which connects head unit to telescoping

section 80 of rotary portion) which pivotally connects said head unit and said rotary portion (at 82) of base unit around a second axis ("B") perpendicular to the first axis, so that said head unit can have a laid down state (Fig. 2) in which said head unit and said base unit are placed side by side, and an upright state in which said head unit is perpendicular to said base unit (this state is achieved in the process of aiming the camera backwards as shown in Fig. 6; when the camera is moved from the position of Fig. 3 to Fig. 6, the head unit will pass through this perpendicular state), wherein said head unit physically interferes with said stationary portion of said base unit and prohibits said rotary portion from rotating (see Fig. 5) and said head unit does not physically interfere with said base unit when said rotary portion rotates in said upright state. In a laid down state as seen in Fig. 5, the gap between the edge of the head unit (60) and the edge of the recess in the base unit that houses the camera is not large enough for the head unit to rotate. Applicant is also directed to Fig. 3, where a thickness of the sidewall of the head unit is shown in relation to the thickness of the base unit (at edge 74). Because of the lack of a sufficient gap between the side edges of the head unit and the recess of the base unit, it is clear from Figures 1-5 of Griencewic that the base unit and the head unit would physically interfere with each other when a rotation is attempted in the laid down state. The head unit must be first lifted up to an upright state until the head unit can clear the edges of the recess in the base unit in order for it to rotate.

Response to Arguments

5. Applicant's arguments with respect to claim 20 have been considered but are moot in view of the new ground(s) of rejection in view of the amendments to claim 20.

Allowable Subject Matter

6. Claims 1-7, 9 and 19 are allowed.
7. The reasons for the indication of allowable subject matter in these claims can be found in the Office Action mailed on 27 August 2007.

Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rishi Suthar whose telephone number is 571-272-8456. The examiner can normally be reached on M-F 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2862

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rishi Suthar
Examiner
Art Unit 2862

RS
June 27, 2008

/Patrick J Assouad/

Supervisory Patent Examiner, Art Unit 2862